IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1336 OF 2006

Vikash B.Lohia & Anr. .. Petitioners.
Vs.
The State of Maharashtra .. Respondents.

Mr.K.D.Jha for the petitioners.
Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 30TH JUNE, 2006

P.C.:

. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. This petition is directed against the show cause notice issued by the concerned authority under section 111 of the Code of Criminal Procedure requiring the petitioners to show cause as to why he should not be ordered to execute surety bond for keeping peace under section 107 of the Code. Mr.Jha, learned counsel for the petitioners submitted that the petitioners have every right to challenge the show cause notice in this Court and for that purpose he placed reliance upon the judgment of this Court in **Smt.Chirstalin Costa and Others Vs. State of Goa and Others 1993(1) Bom.C.R.688 and Mrs.Pramila Navin Shaha Vs. State of Maharashtra & Others 2005 ALL MR (Cri.)**

1233. I perused the show cause notice by which the petitioners have been called upon to show cause as to why the action under section 107 of the Code of Criminal Procedure be not taken against him and for keeping peace, he may be asked to execute a bond of Rs.5,000/-. In my opinion, it is always open for the petitioners to contest show cause notice by filing reply and placing all material before the concerned authority in support thereof. Reserving the said remedy to the petitioners this petition is disposed of. The concerned authority shall, after allowing the petitioners to place their reply and other material, if any, on record in support thereof, decide the matter after giving them an opportunity of being heard and pass speaking order before asking the petitioners to execute a bond under section 107 of the Code of Criminal Procedure. The petitioners shall file reply and place other material, if any, on record within eight weeks from today failing which it would be open for the concerned authority to pass appropriate orders and take necessary action for compliance thereof within ten weeks therefrom. The petition is disposed of.

(D.B.Bhosale, J.)